

**Minutes of the Louisiana Sentencing Commission
Department of Corrections Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
June 19th, 2014
1:00 p.m.**

The meeting was called to order by Honorable Ricky Babin, Chairman, at 1:13 p.m.

Members Present

Honorable Ricky Babin, Chairman
Honorable Charles J. Ballay
Honorable Mike Cazes (by phone)
Honorable Louis Daniel
Mr. John DiGiulio (proxy for Mr. David Dugas)
Mr. James Dixon
Honorable Hans Lilgeberg (proxy for Justice Greg Guidry)

Ms. Debbie Hudnall (proxy for Mr. Mark Graffeo)
Mr. Cheney Joseph
Ms. Angela Whittaker (proxy for Secretary James LeBlanc)
Honorable Jay MaCallum (by phone)
Honorable Michael McDonald
Mr. Tyler Downing (proxy for Mr. Robert Mehrtens)
Honorable Helena Moreno (by phone)
Honorable Laurie White

Committee and Advisory Members

Rhett Covington, DOC
Frank DiFulco, LASC
Melanie Gueho, DOC
William Kline, DOC
Genie Powers, DOC/P&P
Phyllis Sheridan, DOC/P&P
Gerald Starks, DOC/P&P

Jennifer Watson, LCLE
Opal West, LCLE

Guests

Linda Lala Duscoe, CURE
Kelley Fogelman, House of Rep
Sean Hamilton, OJJ
George Mills, Cenikor
Martha Morgan, OJJ
Debra Sheehan, CURE
Angela White-Bazille, LASC-
Executive Counsel
Checo Yancy, CAPARC
Veronica Young, CURE

I. Welcome and Introductions

Honorable Ricky Babin, Chairman

Honorable Ricky Babin, Chairman, welcomed special guests Pete Adams of the LDAA, Sara Sullivan from the Vera Institute, Dr. Mary Livers from OJJ, and Angela White-Bazille, Executive Counsel of the Louisiana Supreme Court.

II. Approval of Minutes

Honorable Ricky Babin, Chairman

Motion by Mr. Cheney Joseph. Seconded by Honorable Laurie White. No objections

III. Recap of the 2014 Term

Mr. Carle Jackson

Mr. Jackson presented an overview of the 2014 Term of the Commission, including legislative actions related to the 2014 recommendations of the Commission.

IV. Restructuring the role of the Commission to conform to ACT 86 of the 2014 Regular Session

Honorable Ricky Babin

Honorable Ricky Babin outlined the major changes to the Commission structure as required by ACT 86. The Commission gains three new members, two voting and one non-voting, with specific expertise in juvenile justice. The rules for proxies were changed so that each member will have one proxy and that proxy should have the same qualifications as the member. Modifications to the voting procedure now require a two thirds vote to approve a recommendation of the Commission.

- Membership Changes – The Commission now has twenty five (25) members. Added to the voting membership is a person experienced with juvenile justice, a juvenile judge, and in a non-voting capacity the Deputy Secretary of the Department of Public Safety and Correction Youth Services, Office of Juvenile Justice.
- Proxy Requirements - Members may now appoint one proxy for the duration of his/her term that possesses the same qualifications as the member.
- Voting Procedures - The Louisiana Sentencing Commission may only recommend legislation that has been approved by 2/3 of the commission members present.
- Commission subject matter and responsibilities - The sole purpose of the Louisiana Sentencing Commission is to assist the judiciary and the legislature in formulating a uniform sentencing policy. Prior law authorized the Louisiana Sentencing Commission to recommend legislation as may be necessary and appropriate, and provided that a simple majority of the voting membership of the commission shall constitute a quorum for the transaction of business. The Louisiana Sentencing Commission may only issue reports and recommend legislation on the issues of sentencing and post-conviction relief.
- Form of Recommendations - repealed the provision of prior law which authorized the Sentencing Commission to include in their report recommended options for the use of alternatives to incarceration and instead authorizes the Sentencing Commission to include recommendations for sentencing and post-conviction options.

Honorable Helena Moreno, author of ACT 86, spoke to clarify the language of the ACT. The purpose of the ACT is to give the Commission guidance on what legislature wants the Commission to focus its efforts on.

- Proxies – 1 person means 1 proxy but not necessarily the same person the entire time. Proxies must have the same qualifications.
- The original purpose of the Commission was to address issues from point of conviction forward. “Post-conviction relief” as used in ACT 86 does not refer back to the technical definition contained in C.Cr.P. Title 31-A. Rather, as used in ACT 86 the term is more inclusive and covers sentencing, reentry and release.
- Pretrial services will be the purpose of a special commission created by Senate Resolution 150 of the 2014 Regular Session and consideration of Bail laws was assigned to the Louisiana Law Institute by Senate Resolution 111 of the 2013 Regular Session.
- RS 15.321 as modified by ACT 86 allows the Commission to make recommendations to legislature on sentencing ranges and classifications, such as 2nd offense marijuana under a certain quantity being a misdemeanor rather than a felony as well as other matters after the point of conviction.
- ACT 86 does not affect biannual reporting.
- With regards to HCR 146 which deals with the study of recidivism, the DOC can come to the Sentencing Commission for any necessary research that has already been done or may need to be done. LCLE has been assigned to assist in staffing in the final version of the resolution.

Honorable Ricky Babin, Chairman, thanked Honorable Moreno for assisting the Commission in understanding the changes contained in ACT 86. Discussion followed concerning whether or not the Commission should continue its current meeting schedule moving forward given the changes. The discussion centered on whether or not the Commission needs to meet monthly or could it meet every other month, giving the committees and work groups more time to prepare materials for the Commission to consider. This would reduce the pressure on the members who already have tight schedules and may result in better attendance.

Honorable Hans Lilgeberg moved that the Commission schedule be changed to a fixed prescheduled six (6) meeting per year built around the calendar for the legislative session; seconded by Honorable Lou Daniel. The motion was approved by unanimous consent.

Issues related to the modifications made by ACT 86 were also discussed.

- Legislative staff cannot draft anything unless a member of the House or Senate asks them to draft something. LSC cannot directly request a bill to be drafted.
- Pete Adams, Executive Director of the Louisiana District Attorneys' Association, noted policy recommendations carry a lot of weight when they represent a consensus (DA's, Defense Bar, Sheriffs, Judges, Legislators)
- Honorable Ricky Babin, Chairman, advised proxies should be assigned within the next 30 days

V. Reports of Committees

Honorable Ricky Babin

A. Release Mechanisms Committee (Workgroup II)

Honorable Hans Liljeberg – no report

B. Re-Entry and Evidence Based Corrections

Mr. Rhett Covington, DOC

Numbers of inmates passing the HSET are increasing. The Social Support subcommittee is drafting best practices for mentoring.

C. Research and Technology

Ms. Melanie Gueho - no report

D. Front End Committee

Honorable Ricky Babin

Honorable Babin noted that with the resignation of Judge Ricky Wicker, the Front End Committee no longer has a chairman. He will take the consideration of a Committee chairman under advisement, requesting that interested members contact him as soon as possible.

VI. Planning 2015 Term: Issues for consideration

A. New Committee Structure

- i. Subject Matter – **Honorable Laurie White motioned to invite all judges from Re-Entry Courts to suggest issues; seconded by John DiGiulio. The motion was adopted with no objections.**

Honorable Hans Liljeberg motioned to amend the agenda to include JRI oversight presentation; seconded by John DiGiulio. The motion was adopted without objection.

VII. JRI Oversight Committee presentation

Sara Sullivan, VERA and Angela Whittaker, DOC

JRI in Louisiana – Phase I

High Percentage of Prison Admissions are Non-Violent, Non-Sex Offenders

- In 2009, non-violent, non-sex offenses accounted for over 60% of admissions
- High Rate of Technical Parole and Probation Violators
- Declining Use of Parole

High Percentage of Prison Admissions are Non-Violent, Non-Sex Offenders

- Allowed for discretionary mandatory minimum waivers for non-violent, non-sex offenders in some cases, expanded Reentry Court program, which targets non-violent offenders who could potentially face up to 10 years in prison, and establishes registry for home incarcerations providers.

High Rate of Technical Parole and Probation Violators

- Instituting intermediate administrative sanctions for probationers and parolees

Declining Use of Parole

JRI in Louisiana –

Phase II Measuring Outcomes

- Total Incarcerated Population = 40,025 in Q1 2012- to 39,278 in Q2 2014

- Technical revocations not apparent
- Percent eligible receiving hearing is increasing from 10% in Q2 2013 to 23% in Q1 2013
- Parole grant rate decrease from 58% in 2012 to 36% in Q1 2014

Phase II Implementation:

- Developed implementation plan
- Identified goals, activities, timelines, challenges, resources, etc.
- Identified strategies to address challenges and state priorities for BJA funding assistance
Strategies targeted three policies:
 - Discretionary Waivers of Mandatory Minimum Sentences
 - Administrative Sanctions/Performance Grid
 - Home Incarceration Standards

Discretionary Waivers of Mandatory Minimum Sentences

Strategies and Activities Completed:

- The Louisiana Judicial College selected a consultant to conduct impact projections.
- The Louisiana Judicial College, in collaboration with the LDAA and LACDL, selected the National Judicial College and Association of Prosecuting Attorneys to help develop a training curriculum for judges, district attorneys, and defense attorneys.

Next Steps:

- Develop training curriculum.
- Conduct regional trainings for judges, district attorneys, and defense attorneys.

Performance Grid

Strategies and Activities Completed:

- DPS&C and the Louisiana Judicial College selected consultants to conduct a training needs assessment of judges and probation and parole staff.
- The consultant conducted an assessment of the implementation and use of the policy and reported their finding and recommendations.
- DPS&C and the Louisiana Judicial College co-hosted statewide training for judges and probation on parole staff in Lafayette on 4/9/14.

Next Steps:

- Conduct three regional trainings for judges and probation and parole.
- Revamp training for new probation and parole officers.

Home Incarceration Standards

Strategies and Activities Completed:

- The home incarceration workgroup, led by DPS&C, selected the American Correctional Association (ACA) to develop standards for home incarceration providers.

Next Steps:

- Develop standards for home incarceration providers.
- Create a dissemination and implementation plan.

VIII. Next Meeting

The next meeting of the Louisiana Sentencing Commission will be August 14th 2014.

- X. Adjourn Mr. Cheney Joseph motioned to adjourn. Seconded by Honorable Laurie White. No objections. The meeting was adjourned at 2:32 p.m. The next meeting of the Commission will be August 14th.